

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: New York City Policing
During Summer 2020 Demonstrations

No. 20 Civ. 8924 (CM) (GWG)

This filing is related to
People v. City of New York et al.

No. 21 Civ. 322 (CM) (GWG)

**[PROPOSED] ANSWER IN INTERVENTION BY SERGEANTS BENEVOLENT
ASSOCIATION TO FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Proposed Intervenor Sergeants Benevolent Association (the “SBA”), by and through counsel, in response to the Complaint for Declaratory and Injunctive Relief (“Complaint”) filed by Plaintiff People of the State of New York (“Plaintiff”), answers as follows. The SBA answers on its own behalf and only to the extent the Complaint makes allegations regarding the conduct of sergeants.

PRELIMINARY STATEMENT

1. SBA denies the allegations in paragraph 1 of the Complaint, except that SBA admits paragraph 1 describes the alleged purpose of this action.
2. SBA admits there were protests in 2020 in New York City, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2.
3. SBA denies the allegations in paragraph 3.
4. SBA denies the allegations in paragraph 4.
5. SBA denies the allegations in paragraph 5.
6. SBA denies the allegations in paragraph 6.

7. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7, but denies that any sergeants acted unlawfully.

8. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8, but denies that any sergeants acted unlawfully.

9. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9, but denies that any sergeants acted unlawfully.

10. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10, but denies that any sergeants acted unlawfully.

11. SBA denies the allegations in paragraph 11, except that SBA admits the Complaint seeks declaratory and injunctive relief.

JURISDICTION AND VENUE

12. SBA admits the allegations in paragraph 12.

13. SBA admits the allegations in paragraph 13.

14. SBA admits the allegations in paragraph 14.

15. SBA admits the allegations in paragraph 15.

PARTIES

16. SBA admits the allegations in paragraph 16 on information and belief.

17. SBA admits the allegations in paragraph 17 on information and belief, but denies that any sergeants acted unlawfully.

18. SBA denies the allegations in paragraph 18.

19. SBA denies the allegations in paragraph 19, except SBA admits Plaintiff seeks prospective relief.

20. SBA admits the allegations in paragraph 20.

21. SBA admits the allegations in paragraph 21.

22. SBA admits the allegations in paragraph 22.

23. SBA admits the allegations in paragraph 23.

FACTUAL BACKGROUND

24. SBA denies the allegations in paragraph 24.

25. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25.

26. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 26.

27. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27.

28. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 28.

29. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29.

30. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 30, except admits that Monahan became Chief of Department.

31. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 31.

32. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 32.

33. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 33.

34. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 34.

35. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 35.

36. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 36.

37. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37, except SBA denies that any sergeants acted unlawfully.

38. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 38, except SBA denies that any sergeants acted unlawfully.

39. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 39.

40. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40.

41. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 41.

42. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 42.

43. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 43.

44. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 44.

45. SBA admits the allegations in paragraph 45 on information and belief.

46. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 46.

47. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 47.

48. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 48.

49. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 49.

50. SBA denies the allegations in paragraph 50.

51. SBA admits that the Complaint alleges that protestors assembled in Union Square on May 28, 2020, and marched toward City Hall, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 51.

52. SBA admits that the Complaint alleges that protestors gathered at Foley Square and the Barclays Center on May 29, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 52, except SBA denies that any sergeants acted unlawfully.

53. SBA admits that the Complaint alleges that there were protests throughout New York City on May 30, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 53.

54. SBA admits that the Complaint alleges that there were protests throughout New York City on May 31, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 54.

55. SBA admits that the Complaint alleges that Mayor de Blasio instituted a curfew through Emergency Executive Order 117 on June 1, 2020 and later expanded the curfew order. SBA denies the allegations in the fourth sentence of paragraph 55. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 55, except SBA denies that any sergeants acted unlawfully.

56. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 2, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 56.

57. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 3, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 57.

58. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 4, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 58, except SBA denies that any sergeants acted unlawfully.

59. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 4, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 59.

60. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 5, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 60.

61. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 6, 2020, and through the end of June 2020, except SBA denies remaining allegations in paragraph 61.

62. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 28, 2020, except SBA denies remaining allegations in paragraph 62.

63. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 63, except SBA denies that any sergeants acted unlawfully.

64. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64, except SBA denies that any sergeants acted unlawfully.

65. SBA denies the allegations in paragraph 65.

66. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 66, except SBA denies that any sergeants acted unlawfully.

67. SBA admits that the Complaint alleges that demonstrations occurred on October 7, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 67, except SBA denies that any sergeants acted unlawfully.

68. SBA admits that the Complaint alleges that demonstrations occurred on November 4, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 68, except SBA denies that any sergeants acted unlawfully.

69. SBA admits that the Complaint alleges that demonstrations occurred on November 5, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 69, except SBA denies that any sergeants acted unlawfully.

70. SBA admits that the Complaint alleges that demonstrations occurred on December 11, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 70, except SBA denies that any sergeants acted unlawfully.

71. SBA admits that the Complaint alleges that demonstrations occurred on January 18, 2021. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 71, except SBA denies that any sergeants acted unlawfully.

72. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 72.

73. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 73, except SBA denies that any sergeants acted unlawfully.

74. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 74, except SBA denies that any sergeants acted unlawfully.

75. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 75.

76. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 76.

77. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 77.

78. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 78, except SBA denies that any sergeants acted unlawfully.

79. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 79.

80. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 80.

81. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 81, except SBA denies that any sergeants acted unlawfully.

82. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 82, except SBA denies that any sergeants acted unlawfully.

83. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 83, except SBA denies that any sergeants acted unlawfully.

84. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84, except SBA denies that any sergeants acted unlawfully

85. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85, except SBA denies that any sergeants acted unlawfully.

86. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 86.

87. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87.

88. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 88, except denies that any sergeants acted unlawfully.

89. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 89.

90. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90, except denies that any sergeants acted unlawfully.

91. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 91.

92. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 92, except SBA denies that any sergeants acted unlawfully.

93. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 93, except SBA denies that any sergeants acted unlawfully.

94. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 94.

95. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 95, except admits that it purports to quote from a NYC-DOI report and SBA refers to that report for its complete and accurate contents.

96. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 96.

97. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 97, except SBA denies that any sergeants acted unlawfully.

98. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 98.

99. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 99, except SBA denies that any sergeants acted unlawfully.

100. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 100.

101. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 101.

102. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 102, except SBA denies that any sergeants acted unlawfully.

103. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 103, except SBA denies that any sergeants acted unlawfully.

104. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 104, except SBA denies that any sergeants acted unlawfully.

105. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 105, except SBA denies that any sergeants acted unlawfully.

106. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 106, except SBA denies that any sergeants acted unlawfully.

107. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 107.

108. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 108, except SBA denies that any sergeants acted unlawfully.

109. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 109, except SBA denies that any sergeants acted unlawfully.

110. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 110, except SBA denies that any sergeants acted unlawfully.

111. SBA denies the allegations in paragraph 111.

112. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 112, except SBA denies that any sergeants acted unlawfully.

113. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 113, except SBA denies that any sergeants acted unlawfully.

114. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 114.

115. SBA denies the allegations in paragraph 115.

116. SBA denies the allegations in paragraph 116.

117. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 117, except SBA denies that any sergeants acted unlawfully.

118. SBA denies the allegations in paragraph 118.

119. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 119, except SBA denies that any sergeants acted unlawfully.

120. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 120, except SBA denies that any sergeants acted unlawfully.

121. SBA denies the allegations in paragraph 121.

122. SBA admits that paragraph 122 purports to quote from Procedure Number 221-02 of the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 122.

123. SBA admits that paragraph 123 purports to quote from the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 123.

124. SBA admits that paragraph 124 purports to quote from the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 124.

125. SBA denies the allegations in paragraph 125.

126. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 126, except SBA denies that any sergeants acted unlawfully.

127. SBA denies the allegations in paragraph 127.

128. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 128.

129. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 129, except SBA denies that any sergeants acted unlawfully.

130. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 130, except SBA denies that any sergeants acted unlawfully.

131. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 131, except SBA denies that any sergeants acted unlawfully.

132. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 132, except SBA denies that any sergeants acted unlawfully.

133. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 133.

134. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 134, except SBA denies that any sergeants acted unlawfully.

135. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 135, except SBA denies that any sergeants acted unlawfully.

136. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 136, except SBA denies that any sergeants acted unlawfully.

137. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 137, except SBA denies that any sergeants acted unlawfully.

138. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 138, except SBA denies that any sergeants acted unlawfully.

139. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 139.

140. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 140, except SBA denies that any sergeants acted unlawfully.

141. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 141, except SBA denies that any sergeants acted unlawfully.

142. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 142, except SBA denies that any sergeants acted unlawfully.

143. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 143, except SBA denies that any sergeants acted unlawfully.

144. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 144, except SBA denies that any sergeants acted unlawfully.

145. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 145.

146. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 146, except SBA denies that any sergeants acted unlawfully.

147. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 147.

148. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 148, except SBA denies that any sergeants acted unlawfully.

149. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 149, except SBA denies that any sergeants acted unlawfully.

150. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 150, except SBA denies that any sergeants acted unlawfully.

151. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 151, except SBA denies that any sergeants acted unlawfully.

152. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 152.

153. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 153, except SBA denies that any sergeants acted unlawfully.

154. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 154, except SBA denies that any sergeants acted unlawfully.

155. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 155.

156. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 156, except SBA denies that any sergeants acted unlawfully.

157. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 157, except SBA denies that any sergeants acted unlawfully.

158. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 158, except SBA denies that any sergeants acted unlawfully.

159. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 159.

160. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 160, except SBA denies that any sergeants acted unlawfully.

161. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 161, except SBA denies that any sergeants acted unlawfully.

162. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 162, except SBA denies that any sergeants acted unlawfully.

163. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 163, except SBA denies that any sergeants acted unlawfully.

164. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 164.

165. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 165, except SBA denies that any sergeants acted unlawfully.

166. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 166, except SBA denies that any sergeants acted unlawfully.

167. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 167, except SBA denies that any sergeants acted unlawfully.

168. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 168.

169. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 169, except SBA denies that any sergeants acted unlawfully.

170. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 170, except SBA denies that any sergeants acted unlawfully.

171. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 171, except SBA denies that any sergeants acted unlawfully.

172. SBA admits that the Complaint purports to quote from the NYPD Patrol Guide Procedure Number 221-07, Use of Oleoresin Capsicum Pepper Spray Devices, and otherwise denies the allegations in paragraph 172.

173. SBA admits that the Complaint purports to quote from the NYPD Patrol Guide Procedure Number 221-07, Use of Oleoresin Capsicum Pepper Spray Devices, and otherwise denies the allegations in paragraph 173.

174. SBA denies the allegations in paragraph 174.

175. SBA denies the allegations in paragraph 175.

176. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 176, except SBA denies that any sergeants acted unlawfully.

177. SBA denies the allegations in paragraph 177.

178. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 178.

179. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 179, except SBA denies that any sergeants acted unlawfully.

180. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 180, except SBA denies that any sergeants acted unlawfully.

181. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 181, except SBA denies that any sergeants acted unlawfully.

182. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 182, except SBA denies that any sergeants acted unlawfully.

183. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 183, except SBA denies that any sergeants acted unlawfully.

184. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 184.

185. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 185, except SBA denies that any sergeants acted unlawfully.

186. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 186, except SBA denies that any sergeants acted unlawfully.

187. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 187, except SBA denies that any sergeants acted unlawfully.

188. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 188, except SBA denies that any sergeants acted unlawfully.

189. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 189, except SBA denies that any sergeants acted unlawfully.

190. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 190, except SBA denies that any sergeants acted unlawfully.

191. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 191, except SBA denies that any sergeants acted unlawfully.

192. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 192, except SBA denies that any sergeants acted unlawfully.

193. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 193, except SBA denies that any sergeants acted unlawfully.

194. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 194, except SBA denies that any sergeants acted unlawfully.

195. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 195, except SBA denies that any sergeants acted unlawfully.

196. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 196.

197. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 197, except SBA denies that any sergeants acted unlawfully.

198. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 198, except SBA denies that any sergeants acted unlawfully.

199. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 199, except SBA denies that any sergeants acted unlawfully.

200. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 200.

201. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 201.

202. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 202, except SBA denies that any sergeants acted unlawfully.

203. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 203.

204. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 204, except SBA denies that any sergeants acted unlawfully.

205. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 205, except SBA denies that any sergeants acted unlawfully.

206. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 206, except SBA denies that any sergeants acted unlawfully.

207. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 207, except SBA denies that any sergeants acted unlawfully.

208. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 208, except SBA denies that any sergeants acted unlawfully.

209. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 209, except SBA denies that any sergeants acted unlawfully.

210. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 210, except SBA denies that any sergeants acted unlawfully.

211. SBA denies the allegations in paragraph 211.

212. SBA denies the allegations in paragraph 212.

213. SBA denies the allegations in paragraph 213.

214. SBA denies the allegations in paragraph 214.

215. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 215.

216. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 216, except SBA denies that any sergeants acted unlawfully.

217. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 217.

218. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 218, except SBA denies that any sergeants acted unlawfully.

219. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 219, except SBA denies that any sergeants acted unlawfully.

220. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 220.

221. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 221.

222. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 222.

223. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 223.

224. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 224, except SBA denies that any sergeants acted unlawfully.

225. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 225, except SBA denies that any sergeants acted unlawfully.

226. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 226, except SBA denies that any sergeants acted unlawfully.

227. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 227.

228. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 228, except SBA denies that any sergeants acted unlawfully.

229. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 229, except SBA denies that any sergeants acted unlawfully.

230. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 230, except SBA denies that any sergeants acted unlawfully.

231. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 231.

232. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 232, except SBA denies that any sergeants acted unlawfully.

233. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 233, except SBA denies that any sergeants acted unlawfully.

234. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 234.

235. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 235, except SBA denies that any sergeants acted unlawfully.

236. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 236, except SBA denies that any sergeants acted unlawfully.

237. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 237, except SBA denies that any sergeants acted unlawfully.

238. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 238.

239. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 239.

240. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 240, except SBA denies that any sergeants acted unlawfully.

241. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 241, except SBA denies that any sergeants acted unlawfully.

242. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 242, except SBA denies that any sergeants acted unlawfully.

243. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 243, except SBA denies that any sergeants acted unlawfully.

244. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 244, except SBA denies that any sergeants acted unlawfully.

245. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 245, except SBA denies that any sergeants acted unlawfully.

246. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 246.

247. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 247, except SBA denies that any sergeants acted unlawfully.

248. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 248, except SBA denies that any sergeants acted unlawfully.

249. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 249, except SBA denies that any sergeants acted unlawfully.

250. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 250, except SBA denies that any sergeants acted unlawfully.

251. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 251.

252. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 252, except SBA denies that any sergeants acted unlawfully.

253. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 253, except SBA denies that any sergeants acted unlawfully.

254. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 254, except SBA denies that any sergeants acted unlawfully.

255. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 255.

256. SBA denies the allegations in paragraph 256.

257. SBA denies the allegations in paragraph 257.

258. SBA denies the allegations in paragraph 258.

259. SBA denies the allegations in paragraph 259.

260. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 260, except SBA denies that any sergeants acted unlawfully.

261. SBA denies the allegations in paragraph 261.

262. SBA admits that the Complaint alleges that on Monday, June 1, 2020 Mayor de Blasio issued Emergency Executive Order 117 that imposed an 11:00 p.m. curfew in New York City and announced that NYPD would double the number of officers assigned to the protest.

263. SBA admits that the Complaint alleges that on June 2, 2020 Mayor de Blasio issued Emergency Executive Orders 118 and 119, and that these orders expanded the hours of the curfew to from 8:00 p.m. until 5:00 a.m. each day until June 8, 2020.

264. SBA admits that the Complaint purports to quote from the Curfew Orders as exempting “first responders and emergency medical technicians, individuals travelling to and

from essential work and performing essential work.” SBA otherwise denies the remaining allegations in paragraph 264.

265. SBA admits that the Complaint purports to quote from the Curfew Orders as stating that “Failure to comply with this Order shall result in orders to disburse [sic], and any person who knowingly violates the provisions in this Order shall be guilty of a class B misdemeanor.”

266. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 266.

267. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 267.

268. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 268.

269. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 269.

270. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 270.

271. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 271.

272. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 272.

273. SBA admits that the Complaint purports to quote from an internal announcement issued by the NYPD, and otherwise denies the remaining allegations in paragraph 273.

274. SBA admits that the Complaint purports to quote from an internal announcement issued by the NYPD on June 3, 2020, and otherwise denies the remaining allegations in paragraph 274.

275. SBA denies the allegations in paragraph 275.

276. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 276.

277. SBA admits that the Complaint purports to quote from Procedure Number 213-11 of the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 277.

278. SBA admits that the Complaint purports to quote from Procedure Number 203-29 of the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 278.

279. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 279, except SBA denies that any sergeants acted unlawfully.

280. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 280, except SBA denies that any sergeants acted unlawfully.

281. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 281, except SBA denies that any sergeants acted unlawfully.

282. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 282.

283. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 283.

284. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 284, except SBA denies that any sergeants acted unlawfully.

285. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 285.

286. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 286, except SBA denies that any sergeants acted unlawfully.

287. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 287, except SBA denies that any sergeants acted unlawfully.

288. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 288, except SBA denies that any sergeants acted unlawfully.

289. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 289, except SBA denies that any sergeants acted unlawfully.

290. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 290, except SBA denies that any sergeants acted unlawfully.

291. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 291, except SBA denies that any sergeants acted unlawfully.

292. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 292.

293. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 293, except SBA denies that any sergeants acted unlawfully.

294. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 294, except SBA denies that any sergeants acted unlawfully.

295. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 295.

296. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 296, except SBA denies that any sergeants acted unlawfully.

297. SBA admits that the Complaint alleges that the NYPD upheld the decision to arrest legal observers, and otherwise denies the remaining allegations in paragraph 297.

298. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 298, except SBA denies that any sergeants acted unlawfully.

299. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 299.

300. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 300, except SBA denies that any sergeants acted unlawfully.

301. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 301.

302. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 302.

303. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 303, except SBA denies that any sergeants acted unlawfully.

304. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 304, except SBA denies that any sergeants acted unlawfully.

305. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 305.

306. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 306, except SBA denies that any sergeants acted unlawfully.

307. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 307.

308. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 308.

309. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 309, except SBA denies that any sergeants acted unlawfully.

310. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 310, except SBA denies that any sergeants acted unlawfully.

311. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 311, except SBA denies that any sergeants acted unlawfully.

312. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 312, except SBA denies that any sergeants acted unlawfully.

313. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 313, except SBA denies that any sergeants acted unlawfully.

314. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 314, except SBA denies that any sergeants acted unlawfully.

315. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 315, except SBA denies that any sergeants acted unlawfully.

316. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 316, except SBA denies that any sergeants acted unlawfully.

317. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 317.

318. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 318.

319. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 319, except SBA denies that any sergeants acted unlawfully.

320. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 320, except SBA denies that any sergeants acted unlawfully.

321. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 321, except SBA denies that any sergeants acted unlawfully.

322. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 322, except SBA denies that any sergeants acted unlawfully.

323. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 323.

324. SBA denies the allegations in paragraph 324.

325. SBA denies the allegations in paragraph 325.

326. SBA admits that the Complaint purports to quote from statements of Mayor de Blasio made on June 3 and June 4, 2020, and otherwise denies the remaining allegations in paragraph 326.

327. SBA denies the allegations in paragraph 327.

328. SBA denies the allegations in paragraph 328.

329. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 329.

330. SBA admits that the Complaint alleges that, on June 2, 2020 a group of protesters marched from the Barclays Center through Downtown Brooklyn to the Manhattan Bridge, but

otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 330.

331. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 331, except SBA denies that any sergeants acted unlawfully.

332. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 332, except SBA denies that any sergeants acted unlawfully.

333. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 333, except SBA denies that any sergeants acted unlawfully.

334. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 334, except SBA denies that any sergeants acted unlawfully.

335. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 335, except SBA denies that any sergeants acted unlawfully.

336. SBA denies the allegations in paragraph 336.

337. SBA admits that the Complaint alleges that, on June 3, 2020, a group of persons gathered in Downtown Brooklyn, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 337.

338. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 338, except SBA denies that any sergeants acted unlawfully.

339. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 339.

340. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 340, except SBA denies that any sergeants acted unlawfully.

341. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 341, except SBA denies that any sergeants acted unlawfully.

342. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 342.

343. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 343, except SBA denies that any sergeants acted unlawfully.

344. SBA denies the allegations in paragraph 344.

345. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 345, except SBA denies that any sergeants acted unlawfully.

346. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 346, except SBA denies that any sergeants acted unlawfully.

347. SBA admits that the Complaint alleges that on June 3, 2020, a demonstration was held in the Upper East Side neighborhood, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 347.

348. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 348.

349. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 349.

350. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 350, except SBA denies that any sergeants acted unlawfully.

351. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 351, except SBA denies that any sergeants acted unlawfully.

352. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 352, except SBA denies that any sergeants acted unlawfully.

353. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 353, except SBA denies that any sergeants acted unlawfully.

354. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 354, except SBA denies that any sergeants acted unlawfully.

355. SBA admits that the Complaint alleges that on June 4, 2020 persons gathered at McCarren Park in Brooklyn, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 355.

356. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 356.

357. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 357, except SBA denies that any sergeants acted unlawfully.

358. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 358.

359. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 359, except SBA denies that any sergeants acted unlawfully.

360. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 360, except SBA denies that any sergeants acted unlawfully.

361. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 361, except SBA denies that any sergeants acted unlawfully.

362. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 362, except SBA denies that any sergeants acted unlawfully.

363. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 363, except SBA denies that any sergeants acted unlawfully.

364. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 364, except SBA denies that any sergeants acted unlawfully.

365. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 365.

366. SBA admits that the Complaint alleges a rally and march took place on June 4, 2020 in the Mott Haven neighborhood of the South Bronx, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 366.

367. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 367.

368. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 368.

369. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 369.

370. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 370, except SBA denies that any sergeants acted unlawfully.

371. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 371.

372. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 372.

373. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 373.

374. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 374.

375. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 375, except SBA denies that any sergeants acted unlawfully.

376. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 376, except SBA denies that any sergeants acted unlawfully.

377. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 377, except SBA denies that any sergeants acted unlawfully.

378. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 378, except SBA denies that any sergeants acted unlawfully.

379. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 379, except SBA denies that any sergeants acted unlawfully.

380. SBA denies the allegations in paragraph 380.

381. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 381.

382. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 382, except SBA denies that any sergeants acted unlawfully.

383. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 383, except SBA denies that any sergeants acted unlawfully.

384. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 384, except SBA denies that any sergeants acted unlawfully.

385. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 385, except SBA denies that any sergeants acted unlawfully.

386. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 386, except SBA denies that any sergeants acted unlawfully.

387. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 387, except SBA denies that any sergeants acted unlawfully.

388. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 388, except SBA denies that any sergeants acted unlawfully.

389. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 389, except SBA denies that any sergeants acted unlawfully.

390. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 390, except SBA denies that any sergeants acted unlawfully.

391. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 391, except SBA denies that any sergeants acted unlawfully.

392. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 392, except SBA denies that any sergeants acted unlawfully.

393. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 393, except SBA denies that any sergeants acted unlawfully.

394. SBA admits that the Complaint alleges that on January 18, 2021, persons gathered at Barclays Center and marched over the Brooklyn Bridge to Manhattan, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 394.

395. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 395.

396. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 396, except SBA denies that any sergeants acted unlawfully.

397. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 397, except SBA denies that any sergeants acted unlawfully.

398. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 398, except SBA denies that any sergeants acted unlawfully.

399. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 399.

400. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 400.

401. SBA denies the allegations in paragraph 401.

402. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 402.

403. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 403, except SBA denies that any sergeants acted unlawfully.

404. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 404, except SBA denies that any sergeants acted unlawfully.

405. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 405, except SBA denies that any sergeants acted unlawfully.

406. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 406, except SBA denies that any sergeants acted unlawfully.

407. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 407, except SBA denies that any sergeants acted unlawfully.

408. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 408, except SBA denies that any sergeants acted unlawfully.

409. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 409, except SBA denies that any sergeants acted unlawfully.

410. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 410, except SBA denies that any sergeants acted unlawfully.

411. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 411, except SBA denies that any sergeants acted unlawfully.

412. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 412, except SBA denies that any sergeants acted unlawfully.

413. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 413, except SBA denies that any sergeants acted unlawfully.

414. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 414, except SBA denies that any sergeants acted unlawfully.

415. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 415, except SBA denies that any sergeants acted unlawfully.

416. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 416, except SBA denies that any sergeants acted unlawfully.

417. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 417, except SBA denies that any sergeants acted unlawfully.

418. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 418, except SBA denies that any sergeants acted unlawfully.

419. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 419, except SBA denies that any sergeants acted unlawfully.

420. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 420, except SBA denies that any sergeants acted unlawfully.

421. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 421, except SBA denies that any sergeants acted unlawfully.

422. SBA denies the allegations in paragraph 422.

423. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 423.

424. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 424.

425. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 425, except SBA denies that any sergeants acted unlawfully.

426. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 426, except SBA denies that any sergeants acted unlawfully.

427. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 427, except SBA denies that any sergeants acted unlawfully.

428. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 428, except SBA denies that any sergeants acted unlawfully.

429. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 429, except SBA denies that any sergeants acted unlawfully.

430. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 430, except SBA denies that any sergeants acted unlawfully.

CLAIMS FOR RELIEF

FIRST CLAIM

431. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

432. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 432 because it contains legal contentions.

433. SBA denies the allegations in paragraph 433.

434. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 434, except SBA denies that any sergeants acted unlawfully.

435. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 435, except SBA denies that any sergeants acted unlawfully.

436. SBA denies the allegations in paragraph 436.

437. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 437, except SBA denies that any sergeants acted unlawfully.

438. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 438, except SBA denies that any sergeants acted unlawfully.

439. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 439, except SBA denies that any sergeants acted unlawfully.

440. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 440, except SBA denies that any sergeants acted unlawfully.

SECOND CLAIM

441. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

442. Paragraph 442 contains legal contentions to which no response is required.

443. SBA denies the allegations in paragraph 443.

444. SBA denies the allegations in paragraph 444.

445. SBA denies the allegations in paragraph 445.

446. SBA denies the allegations in paragraph 446.

447. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 447.

448. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 448.

449. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 449.

450. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 450.

THIRD CLAIM

451. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

452. Paragraph 452 contains legal contentions to which no response is required.

453. SBA denies the allegations in paragraph 453.

454. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 454.

455. SBA denies the allegations in paragraph 455.

456. SBA denies the allegations in paragraph 456.

457. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 457.

458. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 458.

459. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 459.

460. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 460.

FOURTH CLAIM

461. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

462. SBA denies the allegations in paragraph 462.

463. SBA denies the allegations in paragraph 463.

464. SBA denies the allegations in paragraph 464.

465. SBA denies that officers used excessive force on New York Residents as alleged in paragraph 465, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

FIFTH CLAIM

466. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

467. SBA denies the allegations in paragraph 467.

468. SBA denies the allegations in paragraph 468.

469. SBA denies the allegations in paragraph 469.

470. SBA denies that officers unlawfully seized New York Residents as alleged in paragraph 470, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

SIXTH CLAIM

471. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

472. SBA denies the allegations in paragraph 472.

473. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 473 and denies the allegations in the remainder of the paragraph.

474. SBA denies the allegations in paragraph 474.

475. SBA denies the allegations in paragraph 475.

476. SBA denies the allegations in paragraph 476.

477. SBA denies that officers suppressed or retaliated against speech, express, and press as alleged in paragraph 477, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

SEVENTH CLAIM

478. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

479. SBA denies the allegations in paragraph 479.

480. SBA denies the allegations in paragraph 480.

481. SBA denies that officers assaulted New York Residents as alleged in paragraph 481, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

EIGHTH CLAIM

482. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

483. SBA denies the allegations in paragraph 483.

484. SBA denies the allegations in paragraph 484.

485. SBA denies that officers battered New York Residents as alleged in paragraph 485, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

NINTH CLAIM

486. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

487. SBA denies the allegations in paragraph 487.

488. SBA denies that officers falsely imprisoned New York Residents as alleged in paragraph 488, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

TENTH CLAIM

489. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

490. SBA denies the allegations in paragraph 490.

491. SBA denies the allegations in paragraph 491.

492. SBA denies the allegations in paragraph 492.

493. SBA denies that officers engaged in wrongdoing as alleged in paragraph 493, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

ELEVENTH CLAIM

494. SBA incorporates by reference its answers to paragraphs 1 through 430 as if fully set forth herein.

495. SBA denies the allegations in paragraph 495.

PRAYER FOR RELIEF

The remaining paragraphs in the Complaint constitute Plaintiff's prayer for relief, to which no response is required. To the extent a response is required, SBA denies the allegations in these paragraphs and therefore denies that Plaintiff is entitled to relief.¹

AFFIRMATIVE DEFENSES

As for its affirmative defenses, SBA states as follows:

First Affirmative Defense

496. Plaintiff fails to state a claim upon which relief can be granted. Therefore, this complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

Second Affirmative Defense

497. At all times alleged in the Complaint, SBA's members acted in good faith and under a good faith belief that their actions were reasonable under the circumstances, did not violate the constitutional rights of New York Residents, and are entitled to qualified immunity.

Third Affirmative Defense

498. The injuries Plaintiff asserts, if any exist, were caused by third parties, not SBA's members.

Fourth Affirmative Defense

499. At all times complained of by Plaintiff, SBA's members' actions were justifiable, reasonable, without malice, negligence, or recklessness, and consistent with their training.

Fifth Affirmative Defense

500. At all times complained of by Plaintiff, SBA's members acted exercised reasonable force.

¹ The headings in the Complaint are not part of the allegations, but to the extent they are, SBA denies each such allegation.

Sixth Affirmative Defense

501. Plaintiff is unable to meet the legal requirements for the entry of declaratory and injunctive relief and thus the Complaint should be dismissed.

Seventh Affirmative Defense

502. At all times complained of by Plaintiff, SBA's members acted in accordance with their legal duties.

Eighth Affirmative Defense

503. Protesters have no constitutional injury.

Ninth Affirmative Defense

504. Protesters by their conduct were contributorily negligent.

Tenth Affirmative Defense

505. Protesters by their conduct created the risk of a known danger.

Eleventh Affirmative Defense

506. Punitive damages are not recoverable.

Twelfth Affirmative Defense

507. Any injury was caused by others, not by SBA's members.

Thirteenth Affirmative Defense

508. SBA's members are entitled to indemnification.

Fourteenth Affirmative Defense

509. SBA may rely on other defenses if and when such defenses become known during the course of litigation and hereby reserves the right to assert such defenses.

Dated: March 26, 2021
New York, New York

Respectfully Submitted,

/s/ Anthony P. Coles
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